IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

Bail Appl..No. 6927 of 2007()

---

CRIME NO.321/07 OF KODUVALLY POLICE STATION

PETITIONERS/ACCUSED NO.1 TO 6 & 8

---

1. MANOJ,S/O.NANU NAIR
   NADUKKANDY HOUSE, PARANNUR AMSOM AND DESOM,
   KOZHIKODE.

2. VINEESH,S/O.MADHAVAN NAIR
   VADAKKAYIL HOUSE,
   NEDIYANADU AMSOM AND DESOM, KOZHIKODE.

3. ANIL KUMAR, S/O,.DAMODARAN NAIR
   PARAPPURATHU, PARANNUR AMSOM AND DESOM,
   KOZHIKODE.

4. VELAYUDHAN,S/O. VELLAN
   MAMPATTAMMAL,PARANNUR AMSOM AND DESOM,
   KOZHIKODE.

5. LATHEESH,S/O.GANGADHARAN NAIR
   NADUKKANDIYIL HOUSE
   PARANNUR AMSOM AND DESOM, KOZHIKODE.

6. RAJAN,S/O.RAGHAVAN
   AREEKKAL MEETHAL,
   PARANNUR AMSOM AND DESOM, KOZHIKODE.

7. ROOBISH,S/O.BHASKARAN
   MAMPATTUMMAL, PARANNUR AMSOM AND DESOM, KOZHIKODE

BY ADV. SRI.JACOB ABRAHAM
SMT.KOCHUMOL KODUVATH

RESPONDENTS:

---

SUB INSPECTOR OF POLICE
KODUVALLY, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

- - - - - - - - - - - - - - - - - - - - - - -

B.A.No. 6927 of 2007

- - - - - - - - - - - - - - - - - - - - - - -

Dated this the 16th day of November, 2007

**O R D E R**

Application for anticipatory bail. The petitioners face allegations for offences punishable, inter alia, under Section 3 of the P.D.P.P. Act. That is the only non-bailable offence alleged against the petitioners. They are accused 1 to 6 and 8. Crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners were lawfully and legally protesting against the establishment of Salem Railway Division. They belong to B.J.P. On account of political animosity, totally false and vexatious allegations are being raised against them. It is in these circumstances prayed that anticipatory bail may be granted to the petitioners.

3. The learned Prosecutor does not oppose the application. He submits that the allegation against the petitioners is that they

trespassed into the Panchayat Office compound and attempted to break open the lock of the Panchayat. Loss of Rs.75/- was caused by such conduct of theirs. They have allegedly put some waste in the Panchayat compound also.

4. I am satisfied, in the facts and circumstances referred above, that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner, subject to appropriate conditions.

5. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 22.11.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 23.11.2007 and 24.11.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 22.11.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 22.11.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 22.11.2007.

**(R. BASANT)**
Judge

tm